

MEMORANDUM OF UNDERSTANDING
(as amended)

between

United States Air Force/Luke Air Force Base
United States Marine Corps/Yuma Air Station
Bureau of Land Management
U.S. Fish and Wildlife Service/Cabeza Prieta National Wildlife Refuge
U.S. Border Patrol
National Park Service
and
Arizona Game and Fish Commission/Arizona Game and Fish Department

establishing the

BARRY M. GOLDWATER RANGE
EXECUTIVE COUNCIL

I. Purpose

This Memorandum of Understanding establishes the Barry M. Goldwater Range Executive Council (BEC), with the purpose of providing a forum for collaboration by the statutory decision makers in the management of resources and their uses on the Barry M. Goldwater Range. While ultimate authority and responsibility for management of the land and interests in land within the Range is statutorily placed with the U.S. Air Force and the U.S. Marine Corps, and other parties may have statutory or other responsibility for their presence on the Range, it is recognized by all parties that a collaborative process will facilitate improved resource management and use, with greater assurance that the concerns of all parties, as well as those of the public, are considered. Collaboration involving the signatory parties brings together a wide array of skills, knowledge, and management resources to accomplish this.

II. Authority

All Parties - Military Lands Withdrawal Act of 1999 (P.L. 106-65, Section (a)(4)(A)).

U.S. Air Force - Sikes Act (16 USC 670).

U.S. Marine Corps - Sikes Act (16 USC 670).

U.S. Fish and Wildlife Service - Fish and Wildlife Coordination Act
(16 USC 661-667E) and 668aa-668cc-6); Sikes Act (16 USC 670, et. seq.).
Arizona Game and Fish Commission - ARS 17-231(b)7; Sikes Act (16 USC
670).
Bureau of Land Management - Federal Land Policy and Management
Act of 1976
(16 USC 1331 et seq).
U.S. Border Patrol - Section 287 of the Immigration and Nationality Act
(8 USC 1357).
National Park Service - 16 USC Sections 1 and 2-4.

III. Limitations

Participation in the Barry M. Goldwater Executive Council through this Memorandum of Understanding does not expand or diminish any participating party's authority, responsibility or liability with regard to management of the Range beyond that established by law, regulation or policy, nor does participation otherwise modify the respective duties, obligations, rights, privileges, or immunities of any party. While the participating parties retain their authorities and responsibilities, all recognize that it is in the best interest of the public, the parties, and the resources of the Range to collaborate in managing those resources.

Nothing in this document obligates any participating agency to expend funds in excess of appropriations authorized by law and administratively allocated for the purpose of management of Range lands or resources.

IV. Structure and Function

a. Membership

Membership on the Council will be limited to those federal and state agencies having direct responsibility for, or potential impact upon, lands or resources on or affected by military or other activities on the Range. Agency representatives on the Council will be executive level, normally the agency head for the office directly responsible for lands or resources on the Range.

b. Function

The Council will address resource management issues, conflicts,

and planning on the Range, seeking resolution through open discussion. While the Council does not have statutory authority in Range resource management, its individual participants do, to the extent of their respective enabling legislation. Any Council participant can bring issues to the table for consideration. Each participant agrees that it will bring what it believes to be substantive issues, conflicts or other matters regarding Range resource management to the table for consideration by the entire Council, rather than taking unilateral action. Each participant, individually or in concert with others, can request that other participants bring issues, conflicts or other matters to the table for discussion. Where possible, decisions on recommendations of the Council will be made by consensus. The Council will meet at least quarterly, with additional meetings being held as/if needed.

Recommendations of the Council will be implemented to the extent possible by the responsible agency, with whatever assistance as is appropriate and feasible from the other member agencies. While Council recommendations carry no force of law, they are the result of an agreed upon collaborative process that should consistently result in the most appropriate management direction and will be taken seriously by all member parties.

c. Structure

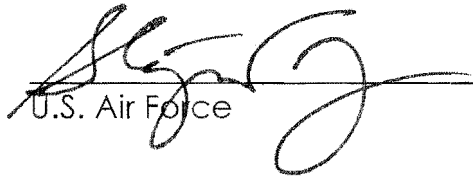
As a collaborative group, all members will be considered equals. Chairmanship of the Council will rotate among Council members on an agreed to schedule. In the event that a designated agency representative can not attend a meeting, he/she may appoint an alternate to attend/participate in his/her place. The alternate will have the same rights, privileges and responsibilities as would the agency head if present.

The Council as a whole will be supported by the staffs of the member agencies. The agency staffs will provide support as directed by their agency representative, including participation on other committees, teams, partnerships, working groups or other forums for gathering information or discussions concerning the Range. In all cases, this support will be considered by the Council as a whole, but the role of the support staff is not to be interpreted as decision making for Council recommendations.

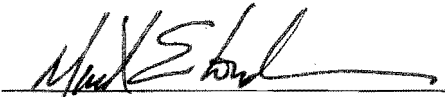
V. Review, Modification, Effective Date, Termination

This agreement will be reviewed at least every five years to assure it is still needed and to determine if it needs modification. This agreement may be modified at any time by request of any of the membership and agreement by all the membership. It becomes effective immediately on the date the last signature is affixed. Any party may withdraw from the agreement upon written notice to the other members. This agreement may be terminated at any time by agreement among the members.

VI. Approval


U.S. Air Force

11/21/00
Date


U.S. Marine Corps

8 DEC 00
Date


Bureau of Land Management


12/21/00
Date


U.S. Fish and Wildlife Service

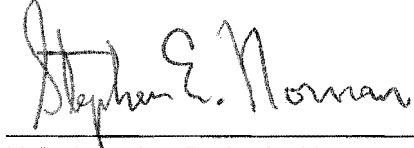
2/07/01
Date


Arizona Game and Fish Commission

8 Jan 01
Date


U.S. Border Patrol - Tucson

2/22/01
Date


U.S. Border Patrol - Yuma

Date 2/26/01


National Park Service

1/17/01
Date

